

REMARKS

By the foregoing Amendment, Claim 22 has been amended. Favorable reconsideration of the application is respectfully requested.

Claims 22-29, and 31-34 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Shoemaker et al., cited by the Examiner as disclosing a quick-donning full face oxygen mask including a flexible mask assembly having a flexible periphery conformable to a wearer's face and a flexible optical lens of optical quality disposed in the flexible mask assembly. The Examiner referred to column 4, lines 25-42 as disclosing that the mask 10 and its components are "molded of a transparent silicone elastomer," such as "silicone elastomer X4-2665, made by Dow Corning." This passage discloses that the "Mask 10 is molded of a transparent silicone elastomer in a thickness sufficient to make it semi-rigid but still thin enough to permit visor 18 to deflect sufficiently under urging of binocular eyepieces, for example, pressed against its outer surface to flatten and to move a significant distance toward the wearer's eyes.... The toroidal shape and the thickness combined to provide panoramic vision with a degree of structural rigidity sufficient to permit mask 10 to retain its open shape shown in FIG. 1 but with enough resiliency to deflect under urging by optical eyepieces." Regarding Claims 24, 25 and 33, the Examiner also referred to column 4, line 67, through column 5, line 16 as disclosing coating both sides of the visor 18 with a urethane to improve abrasion resistance of the mask.

Claim 22 recites "the improvement in the quick-donning full face oxygen mask comprising: a flexible optical lens of optical quality disposed in said flexible mask assembly, said flexible optical lens being capable of deflecting to conform to a wearer's face and for storage." As is discussed in the specification at page 12 line 15 to page 13 line 11, "It is important that the lens of the present system have sufficient optical quality and resistance to abrasion and other damage to function similarly to the rigid and semi-rigid lenses of prior art masks." As is further discussed in the specification at page 13, line 32, to page 14, line 22, the flexible optical lens of optical quality may be formed "out of transparent silicone of the type suitable for use as a flexible lens material.... In this alternative method of construction, the area of the mold representing the lens is finished to a sufficiently high optical accuracy for the intended purpose and the mold is configured to provide appropriate thickness to the lens area in comparison to the balance of the mask."

In Shoemaker et al. at column 3, line 20, the visor 18 is only described as being "transparent." At column 4, lines 25-42, the material from which the mask 10 and visor 18 are molded is described as being "transparent." There is no teaching, disclosure, or suggestion in Shoemaker et al. of taking the transparent material, which is used as a starting material in the present invention, and finishing it so as to be of "optical quality" as is claimed.

As noted above, the present invention further provides for a flexible optical lens that can be deflected for storage, as is illustrated in Fig. 3, and that can be deflected to conform to a wearer's face as is illustrated in Fig. 7, for example, and as is described in

the specification at page 9 line 24 to page 10 line 23, page 10 line 34 to page 11 line 1, and page 11, lines 5-25. As noted above in the passage cited by the Examiner, the mask in Shoemaker et al. is disclosed as semi-rigid and molded in an open condition, to thereby allow the mask to be donned without having to first open the mask. It is respectfully submitted that an amount of flexibility of the visor as taught by Shoemaker et al., requiring the visor to retain its open shape while allowing the visor to deflect sufficiently under urging of binocular eyepieces, to flatten and to move towards a user's eyes does not teach, suggest or provide motivation for an oxygen mask with flexible optical lens capable of deflecting to conform to a wearer's face and for storage, as is claimed. It is therefore respectfully submitted that Claims 22-29, and 31-34 are novel and inventive over Shoemaker et al., and that the rejection of Claims 22-29, and 31-34 on the grounds of anticipation by Shoemaker et al. should be withdrawn.

Claim 30 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Shoemaker et al. in view of Aulgur et al. or Dubruille et al., which were cited as teaching use of an inflatable harness formed of silicone tubing. However, as noted above, it is respectfully submitted that Shoemaker et al., Aulgur et al. and Dubruille et al. do not teach, disclose or suggest an oxygen mask with flexible optical lens capable of deflecting to conform to a wearer's face and for storage, as is claimed. It is therefore respectfully submitted that Claim 30 is novel and inventive over Shoemaker et al., Aulgur et al., and Dubruille et al., taken individually or in combination, and that the rejection of Claim 30 on the grounds of obviousness from Shoemaker et al. in view of Aulgur et al. or Dubruille et al. should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:

James W. Paul
Registration No. 29,967

JWP:rvw

Encl.: Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

82384.1

Serial No. 10/671,379
BEAER 65632